

Remarks

Claims 89-99 were rejected as unpatentable over 3GPP TS 23.171 version 3.8.0 Release 1999 (also cited as ETSI TS 123 171 V3.8.0 (2002-06)) in view of NOWAK 6,968,195. Claims 89-99 have been replaced with new claims 100-114 that avoid these references. Reconsideration and withdrawal of the rejection are respectfully requested because the references do not disclose the claimed second privacy check.

The claims provide, among other features, that the gateway performs a first privacy check in response to the location request, and if the stored location information satisfies the requested accuracy and allowable age, then the gateway performs a second privacy check without transmitting the location request to the positioning system in order to decide whether the gateway can transmit the stored location information to the client terminal.

The Official Action addressed the privacy check in the canceled claims, citing '171 at Section 8.7.1.3 (page 33). However, the interpretation in the Official Action of the privacy check disclosed in '171 is not correct. According to the reference, the privacy check is only performed before location information is obtained. The explanation of step (11) in Section 8.7.1.3 (the steps being shown in Figure 8.4 on page 31) refers only to the result of the privacy check performed in step (6), and not to execution of a second or further privacy check. By

way of further explanation, note that the reference specifies in Section 8.11.2 (page 42) that "Otherwise if the PO1 is ignored the VMSC evaluates the privacy options in the UE subscriber's subscription profile (assuming this is held in the VLR). ... If the location request is allowed by the privacy options the location request is performed." Thus, the network (VMSC) examines the privacy option contained in the subscriber's subscription profile, and if a decision is made that the location request is granted, the location request is processed to obtain the location information. There is no mention of a further privacy check.

NOWAK suggests (Figure 8) a location service system in which accuracy and age are specified for last known location information to evaluate usability of the location information, but does not suggest a privacy check as claimed and therefore does not make for the shortcomings of '171.

Thus, the proposed combination does not disclose or address the claimed second privacy check, and the new claims avoid the rejection under §103.

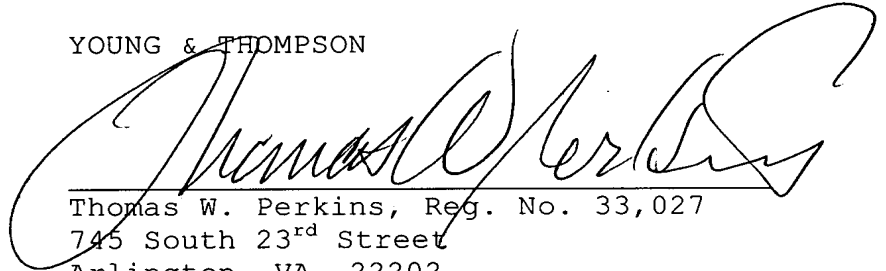
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A large, stylized handwritten signature in black ink, appearing to read 'Thomas W. Perkins', is written over the printed name and address.

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